UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In RE:
Dylan Frey Tuttle, and
Madison Elizabeth Zuverink,
Debtors,

Chapter 7
Case No. 16-28259-beh

Adversary No.

Dylan Frey Tuttle,
Plaintiff,

vs.

Navient Solutions, Inc.,
Defendant.

FILED
2017 APR 27 PM 2:58
US BANKRUPTCY COURT
EASTERN DISTRICT OF WI

COMPLAINT FOR THE DETERMINATION OF DISCHARGEABILITY OF A DEBT

Plaintiff, Dylan Frey Tuttle, for his complaint and for the cause of action states:

1. That this Court has original jurisdiction of the case under 28 U.S.C. §1334.

2. That this is a complaint for the determination of the dischargeability of a debt pursuant to 11 U.S.C. §523(a)(8).

3. That Plaintiff is a Debtor in the above-captioned bankruptcy proceeding and duly filed his Petition in Bankruptcy in the United States Bankruptcy Court, Eastern District of Wisconsin, on August 18, 2016, as evidenced by Exhibit 1 attached hereto and made a part hereof by reference.

4. That the Debtors received a discharge pursuant to 11 U.S.C. §727 on November 28, 2016, as evidenced by Exhibit 2 attached hereto and made a part hereof by reference.

5. That Defendant, Navient Solutions, Inc., was duly listed as a creditor on Schedule E/F of the aforementioned petition as evidenced by Exhibit 3 which is attached hereto and made part hereof by reference.

6. That Plaintiff is a forty-four year old married man with an infant son. He has had no monthly income since October 2015 due to failure of his business and the illness of his mother. With the birth of his son, and due to the cost of daycare and his low-average annual income, he and his wife have decided that he should stay home with the child.

7. That Debtors' net monthly income at the time of their bankruptcy filing was approximately one thousand four hundred and twenty-five dollars ($1,425) and duly detailed on Schedule I of the aforementioned petition as evidenced by Exhibit 4 which is attached hereto and made part hereof by reference.

8. That Plaintiff's Stafford student loans first came due March 1997 in the amount of $34,088, and Plaintiff consolidated these student loans January 2001 in the amount of $41,872 as evidenced by Exhibit 5 which is attached hereto and made part hereof by reference.

9. That Plaintiff's unpaid principal on consolidated student loans as of March 8, 2017, is $53,600 as evidenced by Exhibit 6 which is attached hereto and made part hereof by reference.

10. That Plaintiff has paid $27,197 in interest on his student loans since 2001 as evidenced by Exhibit 7 which is attached hereto and made part hereof by reference.

11. That Plaintiff has exhausted all available administrative remedies in this matter, including deferment, and Income-Based Repayment and Extended Graduated plans.

12. That Plaintiff was approved by the loan servicer at the time, Sallie Mae, for Income-Based Repayment April 3, 2013, as evidenced by Exhibit 8 which is attached hereto and made part hereof by reference.

13. That Plaintiff, after asking the loan servicer at the time, Sallie Mae, to recalculate his IBR payment due to a change in income, was instead approved for an Extended Graduated plan June 19, 2014, as evidenced by Exhibit 9 which is attached hereto and made part hereof by reference.

14. That Plaintiff was approved for forbearance on March 9, 2016, as evidenced by Exhibit 10 which is attached hereto and made part hereof by reference.

15. That Plaintiff was approved for forbearance on April 4, 2017, as evidenced by Exhibit 11 which is attached hereto and made part hereof by reference.

16. That Plaintiff's average gross annual income from 2001 to 2015 was $26,638 as evidenced by Exhibit 12 which is attached hereto and made part hereof by reference.

17. That Debtors' Adjusted Gross Income was $27,245 in 2016 as evidenced by Exhibit 13 which is attached hereto and made part hereof by reference.

18. That average weekly tuition in West Allis for an infant in center-based care is $230 or $997 monthly as evidenced by Exhibit 14 which is attached hereto and made part hereof by reference.

19. That Debtors' monthly expenses at the time of their bankruptcy filing was approximately one thousand five hundred and twenty-five dollars ($1,525) and duly detailed on Schedule J of the aforementioned petition as evidenced by Exhibit 15 which is attached hereto and made part hereof by reference.

20. That Debtors' monthly expenses have increased since the birth of their child and they have tried to make ends meet with Energy Assistance, BadgerCare Plus, WIC Wisconsin, and the food pantry at First Lutheran Church in West Allis.

21. That had the Plaintiff not requested forbearance his updated payment schedule would have required $369 for 5 months then increased to $505 if the loans were to be paid off by July 2033 as evidenced by Exhibit 16 which is attached hereto and made part hereof by reference.

22. That excepting the above stated debt from discharge will impose an undue hardship on the Debtors and their dependent son.

WHEREFORE, the Plaintiff, Dylan Frey Tuttle, respectfully requests that the Court enter an Order determining that the indebtedness described in this Complaint is dischargeable in his bankruptcy proceeding and for all other appropriate relief.

Dated: April 27, 2017

Respectfully submitted,

/s/ [signature]

Dylan Frey Tuttle
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PRO SE DEBTOR